

In re:

Robert Joseph Amico,

Case No. 16-43598
CHAPTER 13 PLAN **X Modified**
Dated: 06/23/18

Debtor.

In a joint case, debtor means debtors in this plan.

Part 1. NOTICE OF NONSTANDARD PLAN PROVISIONS, SECURED CLAIM LIMITATIONS, AND LIEN OR SECURITY INTEREST AVOIDANCE: Debtor must check the appropriate boxes below to state whether or not the plan includes each of the following items:

1.1	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, set out in Parts 9 or 17	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.2	Avoidance of a security interest or lien, set out in Part 17	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 17	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

Part 2. DEBTOR'S PAYMENTS TO TRUSTEE

- 2.1 As of the date of this plan, the debtor has paid the trustee **17,440.00**.
- 2.2 After the date of this plan, the debtor will pay the trustee **600.00** per month for **24** months beginning in **July** (mo.) of **2018** (yr.) for a total of **14,400.00**. Starting in **July, 2020 (Payoff of BMO Harris Bank on 2014 Toyota Highlander)**, the debtor will pay the trustee **1,200.00** per month for **18** months for a total of **21,600.00**. The initial plan payment is due not later than 30 days after the order for relief.
- 2.3 The minimum plan length is ☐ 36 months or ☒ **60** months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- 2.4 The debtor will also pay the trustee: _____.
- 2.5 The debtor will pay the trustee a total of **53,440.00** [lines 2.1 + 2.2 + 2.4].

Part 3. PAYMENTS BY TRUSTEE: The Trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or **5,344.00** [line 2.5 x .10].

Part 4. ADEQUATE PROTECTION PAYMENTS (§ 1326(a)(1)(C)): The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

	Creditor	Monthly payment	Number of payments	Total payments
4.1				

Part 5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES (§ 365): The debtor assumes the following executory contracts or unexpired leases. Debtor will pay directly to creditors all payments that come due after the date the petition was filed. Cure provisions, if any, are set forth in Part 8.

	Creditor	Description of property
5.1		

Part 6. CLAIMS NOT IN DEFAULT: Payments on the following claims are current and the debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any.

	Creditor	Description of property
6.1	BMO Harris Bank	2014 Toyota Highlander

Part 7. HOME MORTGAGES IN DEFAULT (§§ 1322(b)(5) AND 1322(e)): The trustee will cure payment defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens. **All following entries are estimates.** The trustee will pay the actual amounts of default.

	Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	Total payments
7.1	Wells Fargo Bank, N.A.	89.01	PAID			89.01

Part 8. CLAIMS IN DEFAULT (§§ 1322(b)(3) AND (5) AND 1322(e)): The trustee will cure payment defaults on the following claims as set forth below. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any. **All following entries are estimates, except for interest rate.**

	Creditor	Amount of Default	Interest rate (if any)	Monthly Payment	Beginning in month #	Number of payments	Total payments
8.1							

Part 9. SECURED CLAIMS SUBJECT TO MODIFICATION ("CRAMDOW") PURSUANT TO § 506 (§ 1325(a)(5)) (secured claim amounts in this Part control over any contrary amounts except for secured claims of govern-mental units): The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column below. Unless otherwise specified in Part 17, the creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge, and if this case is dismissed or converted without completion of the plan, such liens shall also be retained by such holders to the extent recognized by applicable nonbankruptcy law. **Notwithstanding a creditor's proof of claim filed before or after confirmation, the amount listed in this Part as a creditor's secured claim binds the creditor pursuant to 11 U.S.C. § 1327 and confirmation of the plan is a determination of the creditor's allowed secured claim.** For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with FRBP 3012(c) controls over any contrary amount.

	Creditor	Claim amount	Secured claim	Interest rate	Beginning in month #	Monthly payment	X Number of payments	= Plan payments	+ Adq. Pro. From part 4	= Total payments
9.1										

Part 10. SECURED CLAIMS EXCLUDED FROM § 506 AND NOT SUBJECT TO MODIFICATION ("CRAMDOW") (§ 1325(a)) (910 vehicles and other things of value)(allowed secured claim controls over any contrary amount): The trustee will pay in full the amount of the following allowed secured claims. **All following entries are estimates, except for interest rate.** The creditors will retain liens. Unmodified 910 claims not in default are addressed in Part 6. Unmodified 910 claims in default are addressed in Part 8.

	Creditor	Claim amount	Interest rate	Beginning in month #	Monthly payment	x Number of payments	= Plan payments	+ Adq. Pro. From Part 4	= Total payments
10.1	Hennepin County Treasurer	6,210.00	10.00	20	155.25	40	6,210.00		6,210.00

Part 11. PRIORITY CLAIMS (not including claims under Part 12): The trustee will pay in full all claims entitled to priority under § 507(a)(2) through (a)(10), including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

	Creditor	Estimated claim	Monthly payment	Beginning in month #	Number of payments	Total payments
11.1	Attorney's Fees	5,703.52 2,000.00	Paid Pro Rata			5,703.52 2,000.00
11.2	Internal Revenue Service	2,410.97	Paid			2,410.97
11.3	Minnesota Department of Revenue					
	TOTAL					10,114.49

Part 12. DOMESTIC SUPPORT OBLIGATION CLAIMS: The trustee will pay in full all domestic support obligation claims entitled to priority under § 507(a)(1), including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

	Creditor	Estimated claim	Monthly payment	Beginning in month #	Number of payments	Total payments
12.1						

Part 13. SEPARATE CLASSES OF UNSECURED CLAIMS: In addition to the class of unsecured claims specified in Part 14, there shall be separate classes of non-priority unsecured claims described as follows: **None**. The trustee will pay the allowed claims of the following creditors. **All entries below are estimates.**

	Creditor	Estimated Claim	Interest rate (if any)	Monthly payment	Beginning in month #	Number of payments	Total payments
13.1							

Part 14. TIMELY FILED UNSECURED CLAIMS: The trustee will pay holders of non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under Parts 3, 7, 8, 9, 10, 11, 12 and 13 their pro rata share of approximately **31,682.50** [line 2.5 minus totals in Parts 3, 7, 8, 9, 10, 11, 12 and 13].

14.1 The debtor estimates that the total unsecured claims held by creditors listed in Part 9 are **0.00**.

14.2 The debtor estimates that the debtor's total unsecured claims (excluding those in Parts 9 and 13) are **293,153.89**.

14.3 Total estimated unsecured claims are **293,153.89** [lines 14.1 + 14.2].

Part 15. TARDILY-FILED UNSECURED CLAIMS: All money paid by the debtor to the trustee under Part 2, but not distributed by the trustee under Parts 3, 4, 7, 8, 9, 10, 11, 12, 13 and 14, will be paid to holders of allowed nonpriority unsecured claims for which proofs of claim were tardily filed.

Part 16. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF STAY:

The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

	Creditor	Description of property
16.1		

Part 17. NONSTANDARD PROVISIONS: The Trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. Any nonstandard provisions, as defined in FRBP 3015(c), must be in this Part. Any nonstandard provision placed elsewhere in the plan is void. Any request by the debtor to modify a claim secured only by a security interest in real property that is the debtor's principal residence must be listed in this Part and the debtor must bring a motion to determine the value of the secured claim pursuant to Local Rule 3012-1(a).

17.1	The debtor shall submit all future earnings or other income to such supervision or control of the trustee as is necessary for the execution of the Plan, including yearly tax refunds received by the debtor during the life of the plan. The debtor may retain the first 1,200.00 of any yearly tax refunds received during the plan and, in addition, the debtor may retain any tax refund proceeds from the Earned Income Credit (EIC) and the Minnesota Working Family Credit (MWFC).
17.2	Claims filed as secured but for which the chapter 13 plan makes no express provision shall be classified and paid as unsecured claims as set for in paragraph 14 above.
17.3	Late filed claims are subject to objection as per 11 U.S.C. §502(b)(9).
17.4	Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by any entity that holds a claim against the debtor(s) for taxes that become payable to a governmental unit while the case is pending. The trustee shall only pay 11 U.S.C. Section 1305 claims attributable to the taxable year in which the case concerning such debtor(s) was filed, and only to the extent funds are available.
17.5	The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.
17.6	With respect to the claim of Wells Fargo Home Mortgage, Inc. concerning the debtor's homestead mortgage, said creditor shall resume issuing monthly billing statements to the debtor following the confirmation of this plan. Any and all such billing statements shall be issued to the debtor at the address on file with the Bankruptcy Court or to the debtor's attorney at the attorney's address on file with the Bankruptcy Court.
17.7	With respect to the claim of BMO Harris Bank concerning the debtor's 2014 Toyota Highlander, said creditor shall resume issuing monthly billing statements to the debtor following the confirmation of this plan. Any and all such billing statements shall be issued to the debtor at the address on file with the Bankruptcy Court or to the debtor's attorney at the attorney's address on file with the Bankruptcy Court.
17.8	Debtor shall turnover to the trustee any net bonuses (bonus payment less taxes paid) received during the life of the plan. The debtor shall turnover to the trustee any such bonuses within ten (10) days of debtor's receipt of the same.

SUMMARY OF PAYMENTS:

Class of Payment	Amount to be paid
Payments by trustee [Part 3]	5,344.00
Home mortgages in default [Part 7]	89.01
Claims in default [Part 8]	
Secured claims subject to modification (cramdown) pursuant to § 506 [Part 9]	
Secured claims excluded from § 506 [Part 10]	6,210.00
Priority claims [Part 11]	10,114.49
Domestic support obligation claims [Part 12]	
Separate classes of unsecured claims [Part 13]	
Timely filed unsecured claims [Part 14]	31,682.50
TOTAL (must equal line 2.5)	53,440.00

Certification regarding nonstandard provisions:

I certify that this plan contains no nonstandard provision except as placed in Part 17.

Signed: /s/ Stephen J. Behm

Stephen J. Behm, Attorney at Law
403 South Broad Street, Suite 60
P.O. Box 1056
Mankato, MN 56002-1056
Telephone: (507) 387-7200

Signed: Robert Joseph Amico
Robert Joseph Amico, Debtor 1

Signed: _____ Debtor 2 (if joint case)

REVISED 12/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re
Robert Joseph Amico
Debtor(s).

Case No. 16-43598

SIGNATURE DECLARATION

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (PLEASE DESCRIBE: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: June 24, 2018

X

Robert Joseph Amico
Signature of Debtor 1 or Authorized Representative

X

Signature of Debtor 2

Robert Joseph Amico

Printed Name of Debtor 1 or
Authorized Representative

Printed Name of Debtor 2

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No. 16-43598

Robert Joseph Amico,

Debtor.

Chapter 13 Case

UNSWORN CERTIFICATE OF SERVICE

I, Stephen J. Behm, attorney with Behm Law Group, Ltd., 403 South Broad Street, Suite 60, P.O. Box 1056, Mankato, MN 56002-1056, declare that on June 28, 2018 I mailed the attached **Notice of Hearing and Motion to Modify Chapter 13 Plan (Post-Confirmation), Memorandum of Law, proposed Order and Modified Chapter 13 Plan (Post-Confirmation), Summary of Amendments to Voluntary Petition, Lists, Schedules and Statements and Amended Schedules I and J** upon all of the entities listed below and on those listed on the attached service list by first class mail postage prepaid to each entity on said list at the addresses stated for each entity, as indicated.

Robert Joseph Amico, 2855 Inner Road, Wayzata, MN 55391.

Wells Fargo Bank, N.A., c/o Lawrence P Zielke, Attorney at Law, Shapiro & Zielke LLP
12550 West Frontage Road, Suite 200, Burnsville, MN 55337.

All creditors listed on the debtor's creditor matrix (See attached list).

Upon each of the entities named below by email via CM/ECF Filing:

Gregory A. Burrell, trustee -- cmecfjzkmn@ch13mn.com
U.S. Trustee -- ustpreion12.mn.ecf@usdoj.gov

Dated: this 28th day of June, 2018.

BEHM LAW GROUP, LTD.

/s/ Stephen J. Behm
Stephen J. Behm, #263758
403 South Broad Street, Suite 60
P.O. Box 1056
Mankato, MN 56002-1056
Telephone: (507) 387-7200

Label Matrix for local noticing
0864-4
Case 16-43598
District of Minnesota
Minneapolis
Thu Jun 28 10:45:57 CDT 2018

Wells Fargo Bank, NA
Shapiro & Zielke, LLP
3476 Stateview Blvd
MAC#X7801-013
Fort Mill, SC 29715-7203

Minneapolis
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415-1320

American Education Services
P.O. Box 2461
Harrisburg PA 17105-2461

American Express
P.O. Box 981535
El Paso TX 79998-1535

American Express Bank, FSB
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

American Express Centurion Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

American Express Travel Related Services Com
Inc.
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Ameris Bank
Capital Recovery Advisors
2400 Augusta Drive, Ste 212
Houston, TX 77057-4998

Ameris Bank
P.O. Box 3668
Moultrie GA 31776-3668

Ameris Bank
P.O. Box 870
Vidalia, GA 30475-0870

BMO Harris Bank
P.O. Box 6201
Carol Stream IL 60197-6201

BMO Harris Bank, N.A.
P.O. Box 2035
Milwaukee, WI 53201-2035

Beverly Mae Amico
515 Kimbark
Longmont CO 80501-5549

Capital Recovery Advisors
2400 Augusta Drive
Suite 212
Houston TX 77057-4998

Hennepin County Treasurer
A600 Government Center
300 S 6th Street
Minneapolis, MN 55487-0999

Internal Revenue Service
P.O. Box 7346
Philadelphia PA 19101-7346

Karl E. Osmus
1010 Williams Street
Valdosta, GA 31601-4039

KeyBank NA
4910 Tiedeman Rd
Brooklyn, OH 44144-2338

LVNV Funding, LLC its successors and assigns
assignee of LendingClub Corporation
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LVNV Funding, LLC its successors and assigns
PO Box 10587
Greenville, SC 29603-0587

Lending Club
71 Stevenson Court
Suite 300
San Francisco CA 94105-2985

Navient Solutions, Inc. on behalf of
United Student Aid Funds, Inc.
Attn: Bankruptcy Litigation Unit E3149
PO Box 9430
Wilkes Barre, PA 18773-9430

PFCU Platinum Cash Rewards
P.O. Box 247080
Omaha NE 68124-7080

(p)PENTAGON FEDERAL CREDIT UNION
ATTN BANKRUPTCY DEPARTMENT
P O BOX 1432
ALEXANDRIA VA 22313-1432

Sallie Mae
P.O. Box 9500
Wilkes Barre PA 18773-9500

Sallie Mae
P.O. Box 9635
Wilkes Barre PA 18773-9635

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

US Trustee
1015 US Courthouse
300 S 4th St
Minneapolis, MN 55415-3070

USAA Credit Card Services
P.O. Box 65020
San Antonio TX 78265-5020

USAA Savings Bank

C O WEINSTEIN & RILEY, PS

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

United Student Aid Funds, Inc. (USAF)

PO Box 8961

Madison WI 53708-8961

Wells Fargo Bank, N.A.

Attention: Payment Processing

Mac# X2302-04C

1 Home Campus

Des Moines, IA 50328-0001

Wells Fargo Home Mortgage

P.O. Box 14411

Des Moines IA 50306-3411

Gregory A Burrell

100 South Fifth Street

Suite 480

Minneapolis, MN 55402-1250

Robert Joseph Amico

2855 Inner Road

Wayzata, MN 55391-2726

Stephen Behm

Behm Law Group Ltd

403 S Broad St Ste 60

PO Box 1056

Mankato, MN 56002-1056

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Pentagon Federal Credit Union

Pentagon FederalCredit Union

P.O. Box 1432

Alexandria, VA 22313

U.S. Bank

Cardmember Service

P.O. Box 6352

Fargo ND 58125-6352

(d)U.S. Bank National Association

Bankruptcy Department

PO Box 108

St. Louis MO 63166-0108

End of Label Matrix

Mailable recipients 36

Bypassed recipients 0

Total 36